



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



393997

DEC 18 2008

REPLY TO THE ATTENTION OF

Miller Plating Site

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

MPMF Reality LLC c/o  
Jeffery W. Henning, Esq.  
Rudolph, Fine, Porter & Johnson, LLP  
221 N W Fifth Street  
Evansville, IN 47708

RE: Miller Plating Site located at  
1551 Allen Ln., Evansville IN 47712 (Warrick County)  
General Notice of Potential Liability

Dear Sir:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. '9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Develop and implement a Site Health and Safety Plan, including an air monitoring and Site contingency plan;
2. Develop and implement a Site security plan;

3. The contents of drums, smaller containers, vats, floor sweepings, unknown materials, facility contents, debris, and tanks will be sampled, analyzed, categorized and staged for disposal. Compatible waste streams will be bulked and re-containerized, and appropriately prepared for disposal at off-site disposal facilities;
4. Emptied tanks, piping, debris, drums, and other containers will be cleaned as necessary, cut to size and disposed of at off-site disposal facilities;
5. Floors, walls, ceilings, building components and contents will be cleaned and/or disposed of as reasonably possible to remove contamination from spills and contaminated dust or other materials to prevent contaminant migration or cross contamination of cleaned areas;
6. Characterize and remove for off-site disposal the soil from a spill which occurred outside the bulk wastewater treatment storage building on the east side of the property; and
7. Characterize, remove and properly dispose of hazardous substances and wastes located at the Site in accordance with U.S. EPA's Off-Site Rule (40CFR 300.440).

U.S. EPA has received information that your organization owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing within five (5) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

William Ryczek  
U.S. EPA - Region 5  
Emergency Enforcement Services Section SE-5J  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the facility and that your organization has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Richard Nagle of the U.S. EPA Office of Regional Counsel at (312)353-8222.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,



Linda M. Nachowicz, Chief  
Emergency Response Branch #2

Enclosure: SBREFA information sheet

**LIST OF PRPs SENT GENERAL NOTICE LETTER**

Miller Plating & Metal Finishing Inc.. in c/o  
Carrie G. Doehrmann  
Locke Reynolds, LLP Counsellors at Law  
201 North Illinois Street Suite 1000  
PO Box 44961  
Indianapolis, IN 46244-0961

## **Supplemental Information for Small Businesses**

### **Subject to an U.S. EPA Enforcement Action**

The United States Environmental Protection Agency (EPA) offers small businesses a wide variety of compliance assistance resources and tools designed to assist businesses to comply with federal and state environmental laws. These resources can help businesses understand their obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

#### **Websites**

EPA offers a great deal of compliance assistance information and materials for small businesses on the following Websites, available through public libraries:

# <a href="http://www.epa.gov">www.epa.gov</a>	<i>EPA's Home Page</i>
# <a href="http://www.smallbiz-enviroweb.org">www.smallbiz-enviroweb.org</a>	<i>EPA's Small Business Home Page</i>
# <a href="http://www.smallbiz-enviroweb.org/state.html">www.smallbiz-enviroweb.org/state.html</a>	<i>List of State Contacts</i>
# <a href="http://www.epa.gov/ttn/sbap">www.epa.gov/ttn/sbap</a>	<i>Small Business Assistance Programs</i>
# <a href="http://www.epa.gov/oeca/polguid/index.html">www.epa.gov/oeca/polguid/index.html</a>	<i>Enforcement Policy and Guidance</i>
# <a href="http://www.epa.gov/oeca/smbusi.html">www.epa.gov/oeca/smbusi.html</a>	<i>Small Business Policy</i>
# <a href="http://www.epa.gov/oeca/oc">www.epa.gov/oeca/oc</a>	<i>Compliance Assistance Home Page</i>
# <a href="http://www.epa.gov/oeca/ccsmd/commpull.html">www.epa.gov/oeca/ccsmd/commpull.html</a>	<i>Small Businesses and Commercial</i>
	<i>Services</i>
# <a href="http://www.epa.gov/oeca/ccsmd/mun.html">www.epa.gov/oeca/ccsmd/mun.html</a>	<i>Small Communities Policy</i>

#### **Hotlines**

EPA sponsors approximately 89 hotlines and clearinghouses that provide a free and convenient avenues to obtain assistance with environmental requirements. The Small Business Ombudsman Hotline can provide you with a list of all the hot lines and assist you with determining which hotline will best meet your needs. Key hotlines that may be of interest to you include:

# Small Business Ombudsman.....	(800) 368-5888
# RCRA/UST/CERCLA Hotline.....	(800) 424-9346
# Toxics Substances and Asbestos Information.....	(202) 554-1404
# Safe Drinking Water.....	(800) 426-4791
# Stratospheric Ozone/CFC Information.....	(800) 296-1996
# Clean Air Technical Center.....	(919) 541-0800
# Wetlands Hotline.....	(800) 832-7828

#### **Compliance Assistance Centers**

EPA has established national compliance assistance centers, in partnership with industry, academic institutions, and other federal and state agencies, that provide on line and fax back assistance services in the following sectors heavily populated with small businesses:

## **Supplemental Information for Small Businesses Subject to an U.S. EPA Enforcement Action**

- # Metal Finishing ([www.nmfrc.org](http://www.nmfrc.org))
- # Printing (1-888-USPNEAC or [www.pneac.org](http://www.pneac.org))
- # Automotive (1-888-GRN-LINK or [www.ccar-greenlink.org](http://www.ccar-greenlink.org))
- # Agriculture (1-888-663-2155 or [www.epa.gov/oeca/ag](http://www.epa.gov/oeca/ag))
- # Printed Wiring Board Manufacturing ([www.pwbrc.org](http://www.pwbrc.org))
- # The Chemical Industry (Contact: Emily Chow 202-564-7071)
- # The Transportation Industry (<http://www.transource.org>)
- # The Paints and Coatings Center (Contact: Scott Throwe 202-564-7013)
- # Local Governments (Contact: John Dombrowski, 202-564-7036)

**State Agencies** Many state agencies have established compliance assistance programs that provide on-site as well as other types of assistance. Please contact your local state environmental agency for more information. EPA's Small Business Ombudsman can provide you with State Agency contacts by calling (800)-368-5888.

**Compliance Incentive Policies** EPA's Small Business Policy and Small Communities Policy are intended to promote environmental compliance among small businesses by providing incentives such as penalty waivers and reductions for participation in compliance assistance programs, and encouraging voluntary disclosure and prompt correction of violations. These policies can not be applied to an enforcement action such as this one that has already been initiated, but are noted for future reference. Contact Karin Leff (202-564-7068) for information on the Small Business Policy and Ken Harmon (202-564-7049) for information on the Small Communities Policy.

In order to improve your understanding of and compliance with environmental regulations and avoid the need for future enforcement actions, we encourage you to take advantage of these tools. ***However, please note that any decision to seek compliance assistance at this time does not relieve you of your obligation to answer EPA's administrative complaint in a timely manner, does not create any new rights or defenses, and will not affect EPA's decision to pursue this enforcement action.***

The Small Business and Agriculture Regulatory Enforcement Ombudsman and ten Regional Fairness Boards were established to receive comments from small businesses about federal agency enforcement actions. The Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your SIC designation, number of employees or annual receipts) and wish to comment on federal enforcement and compliance activities, call 1-888-REG-FAIR (1-888-734-3247). ***However, participation in this program does not relieve you of your obligation to respond to an EPA request, administrative or civil complaint or other enforcement action in a timely manner nor create any new rights or defenses under law. In order to preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.***

**Supplemental Information for Small Businesses**  
**Subject to an U.S. EPA Enforcement Action**

Dissemination of this information sheet does not constitute an admission or determination by EPA that your business, organization or governmental jurisdiction is a small entity as defined by SBREFA or related provisions nor does it create any new rights or defenses under law.

bcc: Richard Nagle[Attorney], ORC (C-14J)  
Kevin Turner[OSC], (SE-5J) (SE-GI) (ME-W) (B-2)  
John Maritote, EESS (SE-5J)  
William Ryczek[Enforcement Specialist], EESS (SE-5J)  
John Kelley, Public Affairs (P-19J)

Michael T. Chezik  
Regional Environmental Officer  
Office of Environmental Policy and Compliance  
Philadelphia Region  
Custom House, Room 244  
200 Chestnut Street  
Philadelphia, PA 19106

Pat Thompson, PAAS (MF-10J)  
Records Center (SMR-7J)



bcc: Richard Nagle[Attorney], ORC (C-14J)  
Kevin Turner[OSC], (SE-5J) (SE-GI) (ME-W) (B-2)  
John Maritote, EESS (SE-5J)  
William Ryczek[Enforcement Specialist], EESS (SE-5J)  
John Kelley, Public Affairs (P-19J)

Michael T. Chezik  
Regional Environmental Officer  
Office of Environmental Policy and Compliance  
Philadelphia Region  
Custom House, Room 244  
200 Chestnut Street  
Philadelphia, PA 19106

Pat Thompson, PAAS (MF-10J)  
Records Center (SMR-7J)

COPY

REMOVAL PROGRAM  
NOTICE LETTER ROUTING SLIP

Miller Prating  
(SITE NAME)

Please sign the Yellow and check your name off this page.

Then pass the document on to the next name. **Do not sign this page, SIGN THE YELLOW**

**NOTE** If this letter is going to a state or municipality, check this box: ☐  
If this letter is going to a foreign entity, check this box: ☐  
and highlight this sentence.

	<u>NAME</u>	<u>MAIL CODE</u>
1. ERB ENFORCEMENT SPECIALIST	<u>W. RYCHER</u>	<u>SE-5J</u> ✓
2. ERB ON-SCENE COORDINATOR	<u>K. Turner</u>	_____ ✓
3. EESS SECRETARY	<u>Akimi Cheng</u>	<u>SE-5J</u> ✓
4. ORC STAFF ATTORNEY	<u>Rick Nagle</u>	<u>C-14J</u> ✓
5. EESS SECRETARY	<u>Akimi Cheng</u>	<u>SE-5J</u>
6. EESS SECTION CHIEF	<u>Bill Messenger</u> <u>h</u>	<u>SE-5J</u> <u>2170</u>
7. ERB BRANCH SECRETARY	<u>Cynthia Beck</u>	<u>SE-5J</u>
8. ERB#2 BRANCH CHIEF	<u>Linda Nachowicz</u> <u>h</u>	<u>SE-5J</u> <u>FLH</u>
9. RETURN TO SE-5J/EESS SECRETARY FOR MAILING TO PRPs AND DISTRIBUTION OF BCC LIST.		

DATE MAILED TO PRPs: DEC 18 2008

Mailed  
12/18/08. A.C.

**REMOVAL PROGRAM  
NOTICE LETTER ROUTING SLIP**

Miller Prating  
(SITE NAME)

**Please sign the Yellow** and check your name off this page.

Then pass the document on to the next name. **Do not sign this page, SIGN THE YELLOW**

**NOTE** If this letter is going to a state or municipality, check this box: ☐  
If this letter is going to a foreign entity, check this box: ☐  
and highlight this sentence.

	<u>NAME</u>	<u>MAIL CODE</u>
1. ERB ENFORCEMENT SPECIALIST	<u>W. Rydzek</u>	<u>SE-5J</u> ✓
2. ERB ON-SCENE COORDINATOR	<u>K. Turner</u>	✓
3. EESS SECRETARY	<u>Akimi Cheng</u>	<u>SE-5J</u> ✓
4. ORC STAFF ATTORNEY	<u>Rick Nagle</u>	<u>C-14J</u> ✓
5. EESS SECRETARY	<u>Akimi Cheng</u>	<u>SE-5J</u>
6. EESS SECTION CHIEF	<u>Bill Messenger</u> <i>hm</i>	<u>SE-5J</u> <i>12/17/08</i>
7. ERB BRANCH SECRETARY	<u>Cynthia Beck</u>	<u>SE-5J</u>
8. ERB#2 BRANCH CHIEF	<u>Linda Nachowicz</u> <i>wm</i>	<u>SE-5J</u> <i>12/18</i>
9. RETURN TO SE-5J/EESS SECRETARY FOR MAILING TO PRPs AND DISTRIBUTION OF BCC LIST.		

DATE MAILED TO PRPs: DEC 18 2008

Yellow  
copy

**REMOVAL PROGRAM  
NOTICE LETTER ROUTING SLIP**

Miller Flatting  
(SITE NAME)

**Please sign the Yellow** and check your name off this page.

Then pass the document on to the next name. **Do not sign this page, SIGN THE YELLOW**

**NOTE** If this letter is going to a state or municipality, check this box: ☐  
If this letter is going to a foreign entity, check this box: ☐  
and highlight this sentence.

	<u>NAME</u>	<u>MAIL CODE</u>
1. ERB ENFORCEMENT SPECIALIST	<u>William Rydzek</u>	<u>SE-5J</u> <u>WBR</u> 12/16/08
2. ERB ON-SCENE COORDINATOR	<u>Kevin Turner</u>	<u>WBR</u> For <u>K Turner</u> 12/16/08
3. EESS SECRETARY	<u>Akimi Cheng</u>	<u>SE-5J</u>
4. ORC STAFF ATTORNEY	<u>Rick Maglye</u>	<u>C-14J</u> <u>R Maglye</u> 12/16/08
5. EESS SECRETARY	<u>Akimi Cheng</u>	<u>SE-5J</u>
6. EESS SECTION CHIEF	<u>Bill Messenger</u>	<u>SE-5J</u> <u>WBR</u> 12-16-08
7. ERB BRANCH SECRETARY	<u>Cynthia Beck</u>	<u>SE-5J</u>
8. ERB#2 BRANCH CHIEF	<u>Linda Nachowicz</u>	<u>SE-5J</u>
9. RETURN TO SE-5J/EESS SECRETARY FOR MAILING TO PRPs AND DISTRIBUTION OF BCC LIST.		

DATE MAILED TO PRPs: DEC 18 2008

Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

*Ryczek (SE-SJ)*  
Official Business  
Penalty For Private Use  
\$300

MPMF Reality LLC  
c/o Jeffery W. Henning, Esq.  
Rudolph, Fine, Porter & Johnson, LLP  
221 N W Fifth Street  
Evansville, IN 47708

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

**CERTIFIED MAIL**



7001 0320 0006 0188 3841  
7001 0320 0006 0188 3841

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

*Ryczek (SE-SJ) Miller p. Site*

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark  
Here

Total Postage

Sent To  
Street, Apt. /  
or PO Box N  
City, State, Z

MPMF Reality LLC  
c/o Jeffery W. Henning, Esq.  
Rudolph, Fine, Porter & Johnson, LLP  
221 N W Fifth Street  
Evansville, IN 47708

PS Form 3800

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY									
<ul style="list-style-type: none"><li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>Print your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<table border="1"><tr><td>A. Received by (Please Print Clearly)</td><td>B. Date of Delivery</td></tr><tr><td>C. Signature</td><td></td></tr><tr><td><input checked="" type="checkbox"/> X</td><td><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</td></tr><tr><td colspan="2">D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</td></tr></table>		A. Received by (Please Print Clearly)	B. Date of Delivery	C. Signature		<input checked="" type="checkbox"/> X	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
A. Received by (Please Print Clearly)	B. Date of Delivery										
C. Signature											
<input checked="" type="checkbox"/> X	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee										
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No											
1. Article Addressed to  Republic Services of Ohio IL, LLC c/o Jason Perdon Baker Hostetler LLP 3200 National City Center 1900 East 9 <sup>th</sup> Street Cleveland, OH 44114-3485		<div>RECEIVED DEC 30 2008 EMERGENCY SUPPORT SECTION</div>									
2. Article Number (Transfer from service label)		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.									
7001 0320 0006 0188 3810		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes									

PS Form 3811, March 2001 Domestic Return Receipt 102595-01-M-1424

Bill R.  
12/30/08

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY									
<ul style="list-style-type: none"><li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>Print your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<table border="1"><tr><td>A. Received by (Please Print Clearly)</td><td>B. Date of Delivery</td></tr><tr><td>C. Signature</td><td></td></tr><tr><td><input checked="" type="checkbox"/> X</td><td><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</td></tr><tr><td colspan="2">D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</td></tr></table>		A. Received by (Please Print Clearly)	B. Date of Delivery	C. Signature		<input checked="" type="checkbox"/> X	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
A. Received by (Please Print Clearly)	B. Date of Delivery										
C. Signature											
<input checked="" type="checkbox"/> X	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee										
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No											
1. Article Addressed to  Miller Plating & Metal Finishing Inc. In c/o Carrie G. Doehrmann Locke Reynolds, LLP Counselors at Law 201 North Illinois Street Suite 100 P.O. Box 44961 Indianapolis, IN 46244-0961		<div>RECEIVED DEC 30 2008 EMERGENCY SUPPORT SECTION</div>									
2. Article Number (Transfer from service label)		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.									
7001 0320 0006 0188 3834		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes									

PS Form 3811, March 2001 Domestic Return Receipt 102595-01-M-1424

Bill R.  
12/30/08



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

DEC 18 2008

REPLY TO THE ATTENTION OF

Miller Plating Site

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Miller Plating & Metal Finishing Inc.. in c/o  
Carrie G. Doehrmann  
Locke Reynolds, LLP Counsellors at Law  
201 North Illinois Street Suite 1000  
PO Box 44961  
Indianapolis, IN 46244-0961

RE: Miller Plating Site located at  
1551 Allen Ln., Evansville IN 47712 (Warrick County)  
General Notice of Potential Liability

Dear Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. '9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Develop and implement a Site Health and Safety Plan, including an air monitoring and Site contingency plan;
2. Develop and implement a Site security plan;

3. The contents of drums, smaller containers, vats, floor sweepings, unknown materials, facility contents, debris, and tanks will be sampled, analyzed, categorized and staged for disposal. Compatible waste streams will be bulked and re-containerized, and appropriately prepared for disposal at off-site disposal facilities;
4. Emptied tanks, piping, debris, drums, and other containers will be cleaned as necessary, cut to size and disposed of at off-site disposal facilities;
5. Floors, walls, ceilings, building components and contents will be cleaned and/or disposed of as reasonably possible to remove contamination from spills and contaminated dust or other materials to prevent contaminant migration or cross contamination of cleaned areas;
6. Characterize and remove for off-site disposal the soil from a spill which occurred outside the bulk wastewater treatment storage building on the east side of the property; and
7. Characterize, remove and properly dispose of hazardous substances and wastes located at the Site in accordance with U.S. EPA's Off-Site Rule (40CFR 300.440).

U.S. EPA has received information that your organization owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing within five (5) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:



William Ryczek  
U.S. EPA - Region 5  
Emergency Enforcement Services Section SE-5J  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

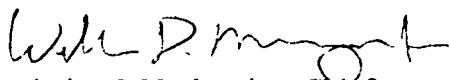
If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the facility and that your organization has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Richard Nagle of the U.S. EPA Office of Regional Counsel at (312)353-8222.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,



Linda M. Nachowicz, Chief  
Emergency Response Branch #2

Enclosure: SBREFA information sheet

**LIST OF PRPs SENT GENERAL NOTICE LETTER**

MPMF Reality LLC c/o  
Jeffery W. Henning, Esq.  
Rudolph, Fine, Porter & Johnson, LLP  
221 N W Fifth Street  
Evansville, IN 47708

## **Supplemental Information for Small Businesses**

### **Subject to an U.S. EPA Enforcement Action**

The United States Environmental Protection Agency (EPA) offers small businesses a wide variety of compliance assistance resources and tools designed to assist businesses to comply with federal and state environmental laws. These resources can help businesses understand their obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

#### **Websites**

EPA offers a great deal of compliance assistance information and materials for small businesses on the following Websites, available through public libraries:

# <a href="http://www.epa.gov">www.epa.gov</a>	<i>EPA=s Home Page</i>
# <a href="http://www.smallbiz-enviroweb.org">www.smallbiz-enviroweb.org</a>	<i>EPA=s Small Business Home Page</i>
# <a href="http://www.smallbiz-enviroweb.org/state.html">www.smallbiz-enviroweb.org/state.html</a>	<i>List of State Contacts</i>
# <a href="http://www.epa.gov/ttn/sbap">www.epa.gov/ttn/sbap</a>	<i>Small Business Assistance Programs</i>
# <a href="http://www.epa.gov/oeca/polguid/index.html">www.epa.gov/oeca/polguid/index.html</a>	<i>Enforcement Policy and Guidance</i>
# <a href="http://www.epa.gov/oeca/smbusi.html">www.epa.gov/oeca/smbusi.html</a>	<i>Small Business Policy</i>
# <a href="http://www.epa.gov/oeca/oc">www.epa.gov/oeca/oc</a>	<i>Compliance Assistance Home Page</i>
# <a href="http://www.epa.gov/oeca/ccsmd/commpull.html">www.epa.gov/oeca/ccsmd/commpull.html</a>	<i>Small Businesses and Commercial</i>
	<i>Se</i>
	<i>rvi</i>
	<i>ces</i>

# <a href="http://www.epa.gov/oeca/ccsmd/mun.html">www.epa.gov/oeca/ccsmd/mun.html</a>	<i>Small Communities Policy</i>
--	---------------------------------

#### **Hotlines**

EPA sponsors approximately 89 hotlines and clearinghouses that provide a free and convenient avenues to obtain assistance with environmental requirements. The Small Business Ombudsman Hotline can provide you with a list of all the hot lines and assist you with determining which hotline will best meet your needs. Key hotlines that may be of interest to you include:

# Small Business Ombudsman.....	(800) 368-5888
# RCRA/UST/CERCLA Hotline.....	(800) 424-9346
# Toxics Substances and Asbestos Information.....	(202) 554-1404
# Safe Drinking Water.....	(800) 426-4791
# Stratospheric Ozone/CFC Information.....	(800) 296-1996
# Clean Air Technical Center.....	(919) 541-0800
# Wetlands Hotline.....	(800) 832-7828

#### **Compliance Assistance Centers**

EPA has established national compliance assistance centers, in partnership with industry, academic institutions, and other federal and state agencies, that provide on line and fax back assistance services in the following sectors heavily populated with small businesses:

**Supplemental Information for Small Businesses  
Subject to an U.S. EPA Enforcement Action**

- # Metal Finishing ([www.nmfrc.org](http://www.nmfrc.org))
- # Printing (1-888-USPNEAC or [www.pneac.org](http://www.pneac.org))
- # Automotive (1-888-GRN-LINK or [www.ccar-greenlink.org](http://www.ccar-greenlink.org))
- # Agriculture (1-888-663-2155 or [www.epa.gov/oeca/ag](http://www.epa.gov/oeca/ag))
- # Printed Wiring Board Manufacturing ([www.pwbrc.org](http://www.pwbrc.org))
- # The Chemical Industry (Contact: Emily Chow 202-564-7071)
- # The Transportation Industry (<http://www.transource.org>)
- # The Paints and Coatings Center (Contact: Scott Throwe 202-564-7013)
- # Local Governments (Contact: John Dombrowski, 202-564-7036)

**State Agencies** Many state agencies have established compliance assistance programs that provide on-site as well as other types of assistance. Please contact your local state environmental agency for more information. EPA's Small Business Ombudsman can provide you with State Agency contacts by calling (800)-368-5888.

**Compliance Incentive Policies** EPA's Small Business Policy and Small Communities Policy are intended to promote environmental compliance among small businesses by providing incentives such as penalty waivers and reductions for participation in compliance assistance programs, and encouraging voluntary disclosure and prompt correction of violations. These policies can not be applied to an enforcement action such as this one that has already been initiated, but are noted for future reference. Contact Karin Leff (202-564-7068) for information on the Small Business Policy and Ken Harmon (202-564-7049) for information on the Small Communities Policy.

In order to improve your understanding of and compliance with environmental regulations and avoid the need for future enforcement actions, we encourage you to take advantage of these tools. ***However, please note that any decision to seek compliance assistance at this time does not relieve you of your obligation to answer EPA's administrative complaint in a timely manner, does not create any new rights or defenses, and will not affect EPA's decision to pursue this enforcement action.***

The Small Business and Agriculture Regulatory Enforcement Ombudsman and ten Regional Fairness Boards were established to receive comments from small businesses about federal agency enforcement actions. The Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your SIC designation, number of employees or annual receipts) and wish to comment on federal enforcement and compliance activities, call 1-888-REG-FAIR (1-888-734-3247). ***However, participation in this program does not relieve you of your obligation to respond to an EPA request, administrative or civil complaint or other enforcement action in a timely manner nor create any new rights or defenses under law. In order to preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.***

**Supplemental Information for Small Businesses  
Subject to an U.S. EPA Enforcement Action**

Dissemination of this information sheet does not constitute an admission or determination by EPA that your business, organization or governmental jurisdiction is a small entity as defined by SBREFA or related provisions nor does it create any new rights or defenses under law.

Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

*Rycek (SE-ST)*

Official Business  
Penalty For Private Use  
\$300

Miller Plating & Metal Finishing Inc  
In c/o Carrie G. Doehrmann  
Locke Reynolds, LLP Counselors at Law  
201 North Illinois Street Suite 100  
P.O. Box 44961  
Indianapolis, IN 46244-0961

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

**CERTIFIED MAIL**



7001 0320 0006 0188 3834  
7001 0320 0006 0188 3834

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

*Rycek (SE-ST) Miller P site D*

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark  
Here

Total Post:

Sent To  
Street, Apt. #  
or PO Box No.  
City, State, Z

Miller Plating & Metal Finishing Inc.  
In c/o Carrie G. Doehrmann  
Locke Reynolds, LLP Counselors at Law  
201 North Illinois Street Suite 100  
P.O. Box 44961  
Indianapolis, IN 46244-0961

PS Form 3800, January 2001

See Reverse for Instructions